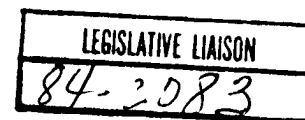


Narcotics



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
May 21, 1984



LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer


Department of Justice
Department of the Treasury
Department of Defense
Department of State
Central Intelligence Agency
Department of Health and Human Services

SUBJECT: Department of Transportation views on H.R. 4028.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than
June 14, 1984

Questions should be referred to Gregory Jones (395-3856), the legislative analyst in this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: Richard Williams Nick Stoer
 Adrian Curtis Kathy Collins



U.S. Department of
Transportation

General Counsel

400 Seventh St., S.W.
Washington, D.C. 20590

The Honorable Strom Thurmond
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Department of Transportation would appreciate the committee's consideration of the following comments on H.R. 4028, a bill

"To amend the Drug Abuse Prevention, Treatment, and Rehabilitation Act to revise the authority of the Office of Drug Abuse Policy, to establish a Deputy Director for Drug Abuse Prevention and a Deputy Director for Drug Enforcement in the Office, and for other purposes."

The first section of the bill would amend title II of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1111-1117), as set out below. Proposed section 201(a) in the bill (pages 2-3) would require the appointment of a Director and Deputy Directors of the Office of Drug Abuse Policy and would establish their compensation. Proposed section 202(a)(3)(A) in the bill (page 3) would grant authority for the Director to make recommendations to the President respecting the budgets of certain agencies (any Federal Department or agency engaged in drug abuse functions, which would include drug law enforcement activities such as interdiction). Proposed section 202(a)(4) in the bill (page 4) would authorize the Director to consult with and assist State and local governments respecting their relations with certain Federal agencies. Proposed section 202(b)(4) in the bill (page 5) would require the Director to review the annual budgets of certain agencies and make recommendations before they are submitted to Congress. Proposed section 202(b)(5) in the bill (page 5) would require the Director to review the allocation of personnel of certain agencies. Finally, proposed section 207 in the bill (page 6) would authorize appropriations.

Section 2 of the bill would amend titles I and III of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1101-1103 and 1161-1165). Section 2(a) of the bill (page 7) would add the following declarations of national policy regarding the problems of drug abuse: (1) coordination and sharing of all law enforcement efforts, (2) coordination of all international efforts to control drug trafficking, and (3) increased cooperation among nations in

carrying out conventions and other international efforts to control drug abuse. Sections 2(b)(1) and 2(d) of the bill (pages 7-9) would substitute the term "drug enforcement function" for "drug traffic prevention function". Section 2(b)(2) of the bill (page 8) would add, as part of the definition of "drug enforcement function": (1) other investigations and prosecutions of individuals involved in drug offenses, (2) coordination of the drug enforcement activities of Federal departments and agencies, and (3) interdiction of drug trafficking and suppression of drug crop cultivation. Finally, section 2(c) of the bill (page 8) would define "drug" and "controlled substance".

This bill is similar to H.R. 3664 on which the Coast Guard testified, on behalf of the Department of Transportation, on 4 August 1983. As with the earlier bill, the Department of Transportation objects to H.R. 4028. In particular we object to those provisions which would diminish this Department's control of its drug enforcement operations, personnel, and budget. We deplore the trafficking in drugs which has beset this country. Our personnel have made great efforts to stem this flow of drugs. However, this mission is but one of many we are charged to accomplish. The bill would permit a single-mission agency to directly influence a multi-mission agency's budget and personnel allocations. This would result in a derogation in performance of the other missions.

We believe better systems are already in place. In particular, the National Narcotics Border Interdiction System, established by the President, is a major administration initiative to enhance coordination of all law enforcement efforts. Additionally, the Organized Crime Drug Enforcement Task Forces, established by the Attorney General, represent a combined effort on the part of all major Federal and State law enforcement agencies. There are also many local or regional agreements whereby our personnel conduct localized operations in cooperation with regional, State, and local authorities.

We believe there is no present need to increase the authority and responsibilities of the Office of Drug Abuse Policy in the manner contemplated by the bill. This action would result in the duplication of lines of authority and responsibility. It would interrupt or impede the progress presently being made.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this report for the consideration of the Committee.

Sincerely,

Jim J. Marquez
General Counsel